IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

WP(C).No. 24899 of 2003(L)

PETITIONER:

K.ALAMI, S/O.K.AMBU, ADUKATHIL,
PERIYA P.O., KASARAGOD DISTRICT.

BY ADV. SRI.T.K.VIPINDAS

RESPONDENTS:

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1. THE DISTRICT COLLECTOR, KASARAGOD P.O.,
VIDYANAGAR.

2. THE ASSISTANT EXECUTIVE ENGINEER,
P.W.D.ROADS SUB DIVISION, KANHANGAD.

3. THE SECRETARY,
PULLUR-PERIYA GRAMA PANCHAYATH,
P.O.PERIYA, KASARAGOD DISTRICT.

4. THE VILLAGE OFFICER,
VILLAGE OFFICE, PERIYA,
P.O.PERIYA, KASARAGOD DISTRICT.

5. KUNHIRAMAN, MERCHANT, ALLARKANDAN,
PERIYA VILLAGE, HOSDURG TALUK,
P.O.PERIYA, KASARAGOD DISTRICT.

BY ADV. SRI.M.SASINDRAN
GOVERNMENT PLEADER SMT.P.K.SHAKEELA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.C.NO.24899 OF 2003

A P P E N D I X

Petitioners' Exhibits :

EXT.P1: TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE 2ND RESPONDENT DT. 3.5.2002 BY THE PETITIONER.

EXT.P2: TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE PANCHAYAT PRESIDENT DT. 3.5.2002.

EXT.P3: TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE THIRD RESPONDENT ON JULY, 2002.

EXT.P4: TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE FIRST RESPONDENT ON JULY, 2002.

EXT.P5:TRUE COPY OF THE REPRESENTATION DT. 15.6.2003 SUBMITTED BEFORE THE FIRST RESPONDENT.

TGS

KURIAN JOSEPH, J.

W.P.(C) No.24899 of 2003

Dated 10th January, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayer :-

> "Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents 1,2 and 3 to demolish the unauthorised construction and evict the 5th respondent as per the provisions of the Kerala Land Conservancy Act."

In the counter affidavit, it is stated that timely action has been taken to evict the encroacher and there is no encroachment at present. Hence the writ petition is disposed of directing the respondents 1 to 4 to see that there is no encroachment of the P.W.D. road puramboke by the 5th respondent or any other person.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 10th January, 2007.